

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 16CV646 JAP/GJF
07CR45 JAP

BENNY HURTADO,

Defendant.

ORDER STRIKING SUPPLEMENTAL REPLY BRIEF [CV Doc. 13, CR Doc. 39]

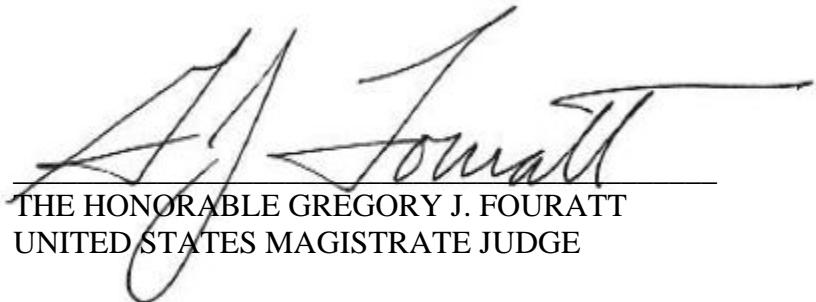
On October 19, 2016, this Court entered an order denying the United States' request to stay this matter pending the Supreme Court's decision in *Beckles v. United States*. *See* Order Denying Mot. to Stay, CV Doc. 7, CR Doc. 33. In the same order, the Court permitted the United States to file a supplemental response limited to the sole issue of whether Defendant's criminal history still properly classified him as a career offender under U.S.S.G. § 4B1.1. *Id.* at 3-4. The Court further authorized Defendant to file a supplemental reply brief to the United States' supplemental response. *See id.* at 4. Finally, and importantly, the same order limited the parties' supplemental briefs to no more than ten (10) pages. *Id.*

Today, after the Court twice extended his deadline to do so, Defendant filed his supplemental reply brief. *See* Reply, CV Doc. 13, CR Doc. 39. The brief is twenty (20) pages long. Not only does its length violate the 10-page limit established by the Court's earlier order, it also substantially exceeds the 12-page limitation for *all replies* under the Local Rules. *See* D.N.M.LR-Civ. 7.5 and D.N.M.LR-Crim. 47.9.

Consequently, this Court *sua sponte* will order that Defendant's supplemental reply brief

(CV Doc. 13, CR Doc. 39) be **STRICKEN**. Defendant is **ORDERED** to file a brief that complies with the Court's previous order not later than December 30, 2016.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE